

# EXHIBIT “1”

STATE OF NEW YORK  
SUPREME COURT COUNTY OF WARREN

CHRISTINA COALTS-YOUNG and DANIEL YOUNG,

Plaintiffs,

SUMMONS

- against -

GLENS FALLS HOSPITAL, GLENS FALLS OBSTETRICS  
& GYNECOLOGY CENTER, P.C., MICHAEL GUIDO,  
M.D., DOUGLAS PROVOST, M.D., SEREENA COOMBES,  
M.D., ADIRONDACK NEUROLOGY ASSOCIATES, P.C.,  
MONICA BURKE, D.O., WARREN ANESTHESIOLOGISTS,  
P.C., PATRICK GERDES, M.D., JOHN LEARY, M.D.,  
JULIA CLAYTON, CNM, MACKENZIE JONES, CNM,  
and MARYBETH MANRIQUE, CNM,

Index No.

№ 57908

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiffs' attorneys an answer to the Complaint in this action within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after service is complete if this Summons is not personally delivered to you within the State of New York. In case of your failure to answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

The basis of venue designated above is Plaintiffs' residence in the County of Warren, State of New York.

Dated: October 3, 2012  
Albany, New York

09/26/2013 16:08 FAX 518 623+2476

Hudson Hdwt Health Ctr.

0007/0018

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STATE OF NEW YORK  
SUPREME COURT COUNTY OF WARREN

CHRISTINA COALTS-YOUNG and DANIEL YOUNG,

Plaintiffs,

COMPLAINT

- against -

GLENS FALLS HOSPITAL, GLENS FALLS OBSTETRICS  
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and MARYBETH MANRIQUE, CNM,

Index No.

Defendants.

Plaintiffs, by their attorneys, as and for their Complaint against defendants, allege as follows:

1. At all times relevant, plaintiff Christina Coalts-Young and Daniel Young were and still are residents of the County of Warren, State of New York.
2. At all times relevant, defendant Glens Falls Hospital was and still is a domestic not-for-profit corporation organized and existing under the laws of the State of New York with a principal place of business in the County of Warren, State of New York.
3. At all times relevant, defendant Glens Falls Hospital owned, operated, managed, controlled, maintained and held out to the public a duly licensed hospital organized and existing under the laws of the State of New York, commonly known as Glens Falls Hospital in the County of Warren, State of New York.

4. Upon information and belief, at all times relevant, defendant Glens Falls Obstetrics and Gynecology Center, P.C. (hereinafter "Glens Falls OBGYN"), was and still is a domestic professional corporation organized and existing under the laws of the State of New York with a principal place of business in the County of Warren, State of New York.

5. Upon information and belief, at all times relevant, defendants Michael Guido, M.D., Douglas Provost, M.D., and/or Sereena Coombes, M.D., were and still are physicians licensed to practice medicine in the State of New York specializing in obstetrics and gynecology with privileges at Glens Falls Hospital.

6. Upon information and belief, at all times relevant, defendants Michael Guido, M.D., Douglas Provost, M.D., and/or Sereena Coombes, M.D., were and still are employees, owners, partners, shareholders, agents, and/or servants of Glens Falls OBGYN acting within the scope of their employment, agency, and authority with Glens Falls OBGYN.

7. Upon information and belief, at all times relevant, defendant Adirondack Neurology Associates, P.C., was and still is a domestic professional corporation organized and existing under the laws of the State of New York with a principal place of business in the County of Warren, State of New York.

8. Upon information and belief, at all times relevant, defendant Monica Burke, D.O., was and still is a physician licensed to practice medicine the State of New York specializing in neurology with privileges at Glens Falls Hospital.

9. Upon information and belief, at all times relevant, defendant Monica Burke, D.O., was and still is an employee, owner, partner, shareholder, agent, and/or servant of Adirondack Neurology Associates, P.C. acting within the scope of her employment, agency, and authority with Adirondack Neurology Associates, P.C.

10. Upon information and belief, at all times relevant, defendant Warren Anesthesiologists, P.C., was and still is a domestic professional corporation organized and existing under the laws of the State of New York with a principal place of business in the County of Warren, State of New York.

11. Upon information and belief, at all times relevant, defendants Patrick Gerdes, M.D. and/or John Leary, M.D. were and still are physicians licensed to practice medicine in the State of New York specializing in anesthesiology with privileges at Glens Falls Hospital.

12. Upon information and belief, at all times relevant, defendants Patrick Gerdes, M.D. and/or John Leary, M.D., were and still are employees, owners, partners, shareholders, agents, and/or servants of Warren Anesthesiologists, P.C. acting within the scope of their employment, agency, and authority with Warren Anesthesiologists, P.C.

13. Upon information and belief, at all times relevant, defendants Julia Clayton, CNM, Mackenzie Jones, CNM, and/or Marybeth Manrique, CNM, were and still are certified nurse midwives licensed by the State of New York with privileges at Glens Falls Hospital.

14. Upon information and belief, at all times relevant, defendants Julia Clayton, CNM, Mackenzie Jones, CNM, and/or Marybeth Manrique, CNM were and still are employees, agents, and/or servants of Glens Falls OBGYN and/or Glens Falls Hospital acting within the scope of their employment, agency, and authority with Glens Falls OBGYN and/or Glens Falls Hospital.

15. On or about May 3, 2010 at approximately 8:05 a.m., Christina Coats-Young, then 35 years old and 34 weeks and five days pregnant, was admitted to the Snuggery at Glens Falls Hospital to the service of Glens Falls OBGYN, Michael Guido, M.D., Douglas Provost, M.D., and/or Sereena Coombes, M.D., with signs and symptoms of pre-term labor.

16. On or about May 3, 2010 through May 4, 2010, Christina Coalts-Young was a patient admitted to the Snuggery at Glens Falls Hospital under the diagnosis, care and treatment of Glens Falls Hospital, Glens Falls OBGYN, Michael Guido, M.D., Douglas Provost, M.D., Sereena Coombes, M.D., Adirondack Neurology Associates, P.C., Monica Burke, D.O., Warren Anesthesiologists, P.C., Patrick Gerdes, M.D., John Leary, M.D., Julia Clayton, CNM, Mackenzie Jones, CNM, and Marybeth Manrique, CNM.

17. On or about May 3, 2010 at approximately 6:04 p.m., while admitted to the Snuggery at Glens Falls Hospital and under the care and treatment of defendants, Christina Coalts-Young gave birth to a baby boy by spontaneous vaginal delivery.

18. On or about May 3, 2010, shortly after delivery, Christina Coalts-Young experienced, among other things, sudden onset headache and numbness and weakness in her right arm and reported the complaints to the defendants including but not limited to the nursing staff of Glens Falls Hospital and defendants otherwise knew of her labor and delivery, post-partum course, complaints, signs and symptoms.

19. From May 3, 2010 through May 4, 2010, during the post-partum period while admitted to Glens Falls Hospital and under the care and treatment of defendants, Christina Coalts-Young experienced progressively worsening neurological compromise, complaints, signs, and symptoms of acute intra-cerebral hemorrhage and cerebral vascular accident, including but not limited to headache, right-sided numbness, tingling, weakness, motor deficits, and speech difficulties, all of which were communicated to and otherwise known by defendants.

20. On or about May 4, 2010 at approximately 5:39 a.m., a CT scan of the head demonstrated left frontal parietal hemorrhagic infarct with associated swelling, which results were immediately communicated to defendants including, but not limited to, Michael Guido, M.D., Paul Gerdes, M.D., and Monica Burke, D.O.

21. On or about May 4, 2010 at approximately 9:20 a.m., a follow-up CT scan demonstrated left parietal intraparenchymal hemorrhage with surrounding edema with interval progression, which results were immediately communicated to defendants including, but not limited to, Monica Burke, D.O.

22. On May 4, 2010 at approximately 12:00 p.m., Christina Coalts-Young was transferred to Albany Medical Center and taken emergently to the operating room for left-sided decompressive craniectomy for intracerebral hemorrhage with hematoma.

23. As a result, Christina Coalts-Young suffers permanent right side hemiparesis and hemiplegia, aphasia, facial droop, diminished sensation, impaired memory, and impaired motor function.

#### FIRST CAUSE OF ACTION

24. Plaintiffs repeat and reallege the foregoing allegations in paragraphs "1" through "23" as if fully set forth herein.

25. At all times relevant, defendants, and each of them, owed a duty to Christina Coalts-Young to exercise reasonable care in the diagnosis, care and treatment of her while a patient admitted to Glens Falls Hospital.

26. At all times relevant, defendants, and each of them, breached the duty of care owed to Christina Coalts-Young by, among other things, departing from accepted practice in causing and contributing to, failing to timely and properly prevent, and failing to mitigate,



diagnose and treat, her emergency medical condition of acute post-partum intracerebral hemorrhage and cerebrovascular accident.

27. At all times relevant, defendants, and each of them, breached the duty of care owed to Christina Coalts-Young by departing from accepted practice in negligently delaying diagnosis and treatment of her emergency medical condition.

28. At all times relevant, defendants, and each of them, breached the duty of care owed to Christina Coalts-Young by departing from accepted practice in negligently failing to timely and properly monitor, assess, evaluate, act upon information, and communicate her emergency medical condition among the defendants and to other medical providers.

29. At all times relevant, the breach of duty of care by defendants caused and was a substantial factor and proximate cause of Christina Coalts-Young suffering severe and permanent personal injuries including but not limited to excruciating conscious pain and suffering, mental and emotional distress, neurologic damage, right side hemiparesis and hemiplegia, aphasia, impaired motor function, impaired memory, and economic loss.

30. Plaintiff Christina Coalts-Young has been damaged in an amount which exceeds the jurisdictional limits of all courts which would otherwise have jurisdiction of this action.

#### SECOND CAUSE OF ACTION

31. Plaintiffs repeat and reallege the foregoing allegations in paragraphs "1" through "30" as if fully set forth herein.

32. Defendant Glens Falls Hospital is vicariously liable for the negligent acts and omissions, professional negligence, and/or medical malpractice of its physicians, nurses, medical providers, agents, servants and employees.

THIRD CAUSE OF ACTION

33. Plaintiffs repeat and reallege the foregoing allegations in paragraphs "1" through "32" as if fully set forth herein.

34. Defendant Glens Falls OBGYN is vicariously liable for the negligent acts and omissions, professional negligence, and/or medical malpractice of defendants Michael Guido, M.D., Douglas Provost, M.D., Screena Coombes, M.D., Julia Clayton, CNM, Mackenzie Jones, CNM, and Marybeth Manrique, CNM.

FOURTH CAUSE OF ACTION

35. Plaintiffs repeat and reallege the foregoing allegations in paragraphs "1" through "34" as if fully set forth herein.

36. Defendant Adirondack Neurology Associates, P.C. is vicariously liable for the negligent acts and omissions, professional negligence, and/or medical malpractice of defendant Monica Burke, D.O.

FIFTH CAUSE OF ACTION

37. Plaintiffs repeat and reallege the foregoing allegations in paragraphs "1" through "36" as if fully set forth herein.

38. Defendant Warren Anesthesiologists P.C. is vicariously liable for the negligent acts and omissions, professional negligence, and/or medical malpractice of defendants Patrick Gerdes, M.D. and John Leary, M.D.

SIXTH CAUSE OF ACTION

39. Plaintiffs repeat and reallege the foregoing allegations in paragraphs "1" through "38" as if fully set forth herein.

40. At all times relevant, plaintiff Daniel Young was and still is the lawful husband of plaintiff Christina Coalts-Young.

41. At all times relevant, Daniel Young and Christina Coalts-Young did and still do continue to live together as husband and wife.

42. At all times relevant, Daniel Young was and still is entitled to the benefits of the services, society, companionship, and consortium of Christina Coalts-Young.

43. As a proximate result of the damages and injuries sustained by Christina Coalts-Young as alleged above, Daniel Young has been and will continue to be deprived of the benefits of the services, society, companionship and consortium of Christina Coalts-Young, and has been and will continue to be required to pay for medical expenses, equipment, rehabilitation, therapy, and household assistance for the care and treatment of Christina Coalts-Young.

44. Based upon the foregoing, plaintiff Daniel Young has sustained damages in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this action.

WHEREFORE, plaintiffs Christina Coalts-Young and Daniel Young demand judgment on the first cause of action against all defendants, individually and collectively, on the second cause of action against defendant Glens Falls Hospital, on the third cause of action against defendant Glens Falls Obstetrics & Gynecology Center, P.C., on the fourth cause of action against defendant Adirondack Neurology Associates, P.C., on the fifth cause of action against defendant Warren Anesthesiologists, P.C., and on the sixth cause of action against all defendants, individually and collectively, in a sum of money which will compensate plaintiffs for the substantial past and future economic and non-economic damages, pain and suffering, loss of enjoyment of life, which they have sustained all as a result of the professional negligence and

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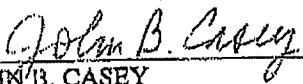
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medical malpractice of defendants as alleged herein, together with the costs and disbursements of this action.

Dated: October 3, 2012  
Albany, New York

DREYER BOYAJIAN LLP

By:

  
JOHN B. CASEY  
Attorneys for Plaintiffs  
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Albany, New York 12210  
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STATE OF NEW YORK  
SUPREME COURT COUNTY OF WARREN

CHRISTINA COALTS-YOUNG and DANIEL YOUNG,

Plaintiffs,

- against -

CERTIFICATE  
OF MERIT

Index No.

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and MARYBETH MANRIQUE, CNM,

Defendants.

STATE OF NEW YORK     )  
                                  )     ss.  
COUNTY OF ALBANY     )

JOHN B. CASEY, an attorney duly licensed to practice law in the State of New York, in  
accordance with CPLR 3012-a, certifies as follows:

1. I am an associate with the law firm of Dreyer Boyajian LLP and, as such, am fully  
familiar with this case.
2. I have carefully reviewed all of the relevant facts pertaining to this case.
3. I have consulted with a physician who is duly licensed to practice medicine in the  
State of New York or any other state and I reasonably believe this physician is qualified to give  
accurate and knowledgeable opinions on the issues involved in this case.

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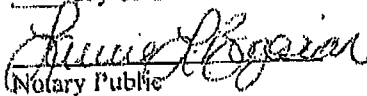
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4. I have concluded after my review of the facts involved in this case, and after consulting with said physician, that there is a reasonable basis for the commencement of this action and upon which relief can be granted.

  
JOHN B. CASEY

Sworn to before me this  
10th day of October 2012.

  
Notary Public

LAURIE L. BOGOSIAN  
NOTARY PUBLIC, State of New York  
Reg No. 01806184130  
Qualified in Saratoga County  
My Commission Expires March 31, 2016